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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 Robert Hemmerle, )  
11 Petitioner, ) No. CV-04-00315-PHX-PGR  
12 vs. )  
13 Dora Schriro, et al., ) ORDER  
14 Respondents. )  
\_\_\_\_\_ )

15 The Ninth Circuit Court of Appeals having affirmed the dismissal of this  
16 action, filed pursuant to 28 U.S.C. § 2254, as being untimely filed under 28  
17 U.S.C. § 2244(d)(1), and the Court having entered an order (doc. #55) denying  
18 the petitioner's post-mandate Motion for Reconsideration,

19 IT IS ORDERED that the petitioner's post-mandate Motion to Request an  
20 Evidentiary Hearing on Attorney's Ineffectiveness (doc. #56) is denied.<sup>1</sup>

21 IT IS FURTHER ORDERED that the petitioner's post-mandate Motion to  
22 Request Application for Certificate of Probable Cause (doc. #57), construed as an  
23 application for a certificate of appealability, is denied because the petitioner has  
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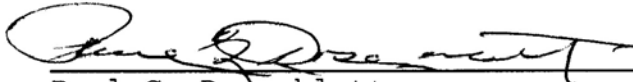
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26 The Court construes the petitioner's Motion to Amend Motion to  
Request an Evidentiary Hearing on Attorney's Ineffectiveness (doc. #59) as a  
notion of errata.

1 failed to make a substantial showing of the denial of a constitutional right as  
2 required by 28 U.S.C. § 2253(c)(2).<sup>2</sup>

3 IT IS FURTHER ORDERED that the petitioner's post-mandate Motion for a  
4 Speedy Disposition (doc. #58) is denied as moot.

5 DATED this 10<sup>th</sup> day of January, 2008.

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8 Paul G. Rosenblatt  
United States District Judge  
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24 <sup>2</sup>

25 The Court construes the petitioner's Motion to Amend Motion to  
26 Request Application for Certificate of Probable Cause (doc. #60) as a notice of  
errata.